

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

CONNECTU LLC,
Plaintiffs,

v.

MARK ZUCKERBERG, EDUARDO SAVERIN,
DUSTIN MOSKOVITZ, ANDREW MCCOLLUM,
CHRISTOPHER HUGHES, and FACEBOOK,
INC.,
Defendants.

CIVIL ACTION NO. 1:04-CV-11923
(DPW)

MARK ZUCKERBERG, and FACEBOOK, INC.,
Counterclaimants,

v.

CONNECTU LLC,
Counterdefendant,
and
CAMERON WINKLEVOSS, TYLER
WINKLEVOSS, and DIVYA NARENDRA,
Additional Counterdefendants.

**DECLARATION OF MONTE COOPER IN SUPPORT OF THE FACEBOOK
DEFENDANTS' OPPOSITION TO PLAINTIFF'S MOTION FOR CONTEMPT**

I, Monte Cooper, declare:

1. I am an attorney with the law firm of Orrick, Herrington & Sutcliffe LLP, counsel for Defendants Mark Zuckerberg, Dustin Moskovitz, Andrew McCollum, Christopher Hughes, and TheFacebook, Inc. (collectively, the "Facebook Defendants"). I make this Declaration in support of Facebook's Opposition to Plaintiff's Motion for Contempt. I am an active member in good standing of the California State Bar, and I am admitted to appear *pro hac*

vice before this court. I have personal knowledge of the facts stated therein and if called as a witness, could and would competently testify thereto.

2. Attached hereto as **Exhibit A** is a true and correct copy of relevant excerpts of ConnectU's First Set of Interrogatories, dated April 7, 2005.

3. Attached hereto as **Exhibit B** is a true and correct copy of relevant excerpts of the Facebook Defendants' Responses to ConnectU's First Set of Interrogatories, dated May 31, 2005.

4. Beginning in early July 2005, the parties met and conferred about ConnectU's perceived deficiencies in the Facebook Defendants' responses to ConnectU's document requests. The parties were unable to narrow all of the issues. As a result, ConnectU filed a Motion to Compel.

5. Attached hereto as **Exhibit C** is a true and correct copy of ConnectU's April 25, 2006, letter, from John Hornick to Monte Cooper.

6. Attached hereto as **Exhibit D** is a true and correct copy of the Facebook Defendants' April 26, 2006, letter, from Mr. Cooper to Mr. Hornick.

7. Attached hereto as **Exhibit E** is a true and correct copy of relevant excerpts of the Deposition of Mark E. Zuckerberg taken in *Facebook v. ConnectU LLC*, Case No. 1-05-CV-047381, which is currently pending in the Superior Court of California, Santa Clara County. **[FILED UNDER SEAL WITH THE CLERK OF THE COURT.]**

8. Attached hereto as **Exhibit F** is a true and correct copy of the Facebook Defendants' May 9, 2006, letter with enclosure, from Mr. Cooper to Mr. Hornick. **[FILED UNDER SEAL WITH THE CLERK OF THE COURT.]**

I declare under penalty of perjury that the foregoing is true and correct and that this declaration was executed on July 10, 2006 in Menlo Park, California.

/s/ Monte M.F. Cooper /s/

Monte M.F. Cooper

CERTIFICATE OF SERVICE

I hereby certify that this document(s) filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non registered participants on July 10, 2006.

Dated: July 10, 2006.

Respectfully submitted,

/s/ Monte M.F. Cooper /s/

Monte M.F. Cooper